

REMARKS

Further amendments have been made to the claims to put them in condition for allowance. (These amendments and ones made earlier are made without prejudice to the original claims being pursued in a continuation application.)

The examiner has rejected claims 11-15 under 35 USC 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. Applicant disagrees with the examiner's position that such relationships need to be included in the claim, but in the interest of advancing prosecution, claim 11 has been amended to address the examiner's concern.

The examiner has rejected the two independent claims (11, 16) under 35 USC 103(a) as being unpatentable over Gliner in view of Ferrari and further in view of Smith Ind. The examiner is urged to reconsider and withdraw the rejection because the necessary motivation for making the combination has not been shown.

Gliner and Ferrari, together, teach a defibrillator electrode pad assembly in which the electrodes have an adhesively applied skin-contacting area of at least 50 centimeters.

Smith Ind. teaches a release backing for a flexible wound dressing. To assure that the wound dressing is applied without wrinkling, and without contamination by the fingers of the user, a pair of U-shaped backings are configured to be removed from each side of the wound dressing after the dressing is positioned over the wound. This avoids the fingers coming into contact with the adhesive as the dressing is applied to the skin.

The examiner has combined the teaching of Smith Ind. with that of Gliner and Ferrari, and asserted as the motivation for that combination the teaching in Smith Ind. of using the U-shaped backings to avoid the contamination that results from adhesive contact with the fingers.

The examiner is urged to reconsider her conclusion as to motivation. So far as applicant is aware there is no reason for concern about a user's fingers contacting the adhesive of a defibrillation electrode. That is not one of the problems addressed by the invention (see the discussion in the background of the application). There is nothing in Gliner or Ferrari, or any other reference of record, to suggest that finger contamination of the adhesive is a problem needing addressing in defibrillation electrodes. Defibrillation electrodes do not need to be

sterile, as they do not cover wounds, and thus contamination from the fingers of the user is not the issue that it is with wound dressings.

The examiner does not, with good reason, rely for motivation on the other advantage taught by Smith Ind., i.e., avoidance of wrinkling. Defibrillation electrodes are much thicker and stiffer than wound dressings, and are simply not subject to the sort of wrinkling that Smith Ind. seeks to avoid.

A further reason for withdrawing the rejection is that the electrode pad assembly called for by the claims does not suffer from the finger-grasping problem addressed by Smith Ind. In Smith Ind., the entire undersurface of the wound dressing is covered by adhesive, and so once the backing is removed there is no way for the user to grasp the dressing without contacting the adhesive. By contrast, the claims call for an electrode pad assembly in which there are two electrodes each with an adhesive area, and with the two adhesive areas separated by an area without adhesive. This area without adhesive provides an area where the assembly can be grasped without danger of contacting the adhesive. This is a further reason why there would be no motivation to apply the backings of Smith Ind. to Gliner and Ferrari.

The examiner's combination is, thus, without the required motivation.

Claims 11 and 16 are thus in condition for allowance.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.